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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,953	08/26/2003	Eric Paterson	871-011421-US / 30020255	4201
2512	7590	09/13/2004	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			KARLSEN, ERNEST F	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/647,953	Applicant(s) PATERSON, ERIC	
	Examiner Ernest F. Karlsen	Art Unit 2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0803</u> . | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luskow or Grinoch in view of Schonath et al.

Luskow and Grinoch both show a resistive thin film heat producing device, element 26 in Grinoch and element 2 in Luskow, that produce heat or infrared in response to an applied RF signal with a heat sensor in the form of a thermistor or thermocouple but do not show an infrared photodetector. Schonath et al discloses the equivalence of thermal diodes, thermocouples and thermistors at column 6, lines 43-47. It would have been obvious for one of ordinary skill in the art at the time of the invention to have adapted the apparatus of Luskow or Grinoch to use a thermal diode as suggested by Schonath et al because one skilled in the art would realize that so doing would result in a device with a faster response time. The above combination results in the apparatus of claim 1 and the obvious method of use thereof results in the method of claim 6. The amplifier feature of claims 2 and 7 is disclosed by Luskow in column 2. With regard to claim 5, element 2 of Luskow is a thin film resistor as set forth in column 3. Also see the Grinoch specification relative to element 26 of Grinoch. With regard to claim 8, all references inherently sense the average power.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luskow or Grinoch in view of Schonath et al as applied above to claim 1 and further in view of Ronci or Harrison et al.

The previously applied references make obvious that claimed in claim 1 but do not show an evacuated housing having an internal silvered surface. Both Ronci and Harrison et al show an evacuated housing with a silvered internal surface. See columns 2 and 3 of Ronci and columns 3 and 4 of Harrison et al. It would have been obvious for one of ordinary skill in the art at the time of the invention to have adapted the chamber features of Ronci or Harrison et al to the structure resulting from the combination of Luskow, Grinoch and Schonath et al because one skilled in the art would realize that such would result in better accuracy because of isolation from outside influences.

Any inquiry concerning this communication should be directed to Ernest F. Karlson at telephone number 571-272-1961.

Ernest F. Karlson

August 23, 2004


ERNEST KARLSEN
PRIMARY EXAMINER